#365

BILL NO. Z-88-08-41

ZONING MAP ORDINANCE NO. Z-19-88

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. G-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a P.O.D. (Professional Office) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

A parcel of land located in LaGro Reserve, Township 30 North, Range 12 East, Allen County, Indiana, and more particularly described as follows, to wit: BEGINNING on the centerline of Public Road known as the Upper Huntington Road, now West Jefferson Boulevard (U.S. Highway 24) at a point situated South 51 degrees 30 minute West a distance of 564.8 feet measured along said centerline from the point of intersection of said centerline and a line parallel to and 7 chains 50 links (495.0 feet) West of the East line of said Reserve; thence continuing South 51 degrees 30 minutes West along said centerline a distance of 200.0 feet; thence South 38 degrees 30 minutes East on a line normal to said centerline a distance of 424.86 feet (425.0 feet deed) to an iron pin found; thence North 28 degrees 35 minutes East along the North line of Lots # 4, 3 and 2 in North Washington Place, as recorded in Plat Book 33, page 125 a distance of 216.96 feet (217.14 feet-deed) to a pipe found; thence North 38 degrees 30 minutes West a distance of 340.4 feet (deed measured) to the point of beginning, containing 1.76 acres of land more or less and subject to a 40 foot public road right-of-way along West Jefferson and all other pertinent easements of record.

Survey completed in accordance with deed found in Deed book 626, page 291, Allen County Recorder's Office dated October 4, 1963.

Since no abstract, Warranty Deed, or title work was provided at time of survey, we are unable to provide information regarding easements or grants of right-of-way over the above described parcel of land.

and the symbols of the City of Fort Wayne Zoning Map No. G-2, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force

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and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury

Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay

J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Lewis, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the ~~Council Conference Room 128, City-County~~ Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19___, at _____ o'clock ___.M.,E.S.T.

DATE: 8-23-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Redd, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	9				
BRADBURY	✓				
BURNS	✓				
GiaQUINTA	✓				
HENRY	✓				
LONG	✓				
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 10-25-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE ~~RESOLUTION~~ NO. Z-19-88 on the 25th day of October, 19 88,

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Thomas C. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of October, 19 88, at the hour of 11:00 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 2nd day of November, 19 88, at the hour of 4:30 o'clock P.M.,E.S.T.

PAUL HELMKE, MAYOR

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

Cd # 57079

№ 2800

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., July 15 1988

RECEIVED FROM Allen Co. Postal Employees $ 100.00

THE SUM OF One Hundred Dollars 100 DOLLARS

ON ACCOUNT OF Rezoning Filing Fee

P.O.E. Tool Fisher / Mary Fisher

Gay Batt

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE Planned Office Development Request for ~~Preliminary and Final~~ Planned Office Development Approval

I/We Joel D. Fisher, Sr. and Mary E. Fisher
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R.A. District to a/an P.O.D. District the property described as follows:

See attached survey and legal description.

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

4025 West Jefferson Blvd., Fort Wayne, IN 46804

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Joel D. Fisher, Sr.	4025 W. Jefferson	Joel D Fisher
Mary E. Fisher	4025 W. Jefferson	Mary E Fisher

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinanc being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matte for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
Ralph Blume	344 Utility Bldg. Fort Wayne, IN 46802	423-3525

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

(Name)	(Address)	(Signature)

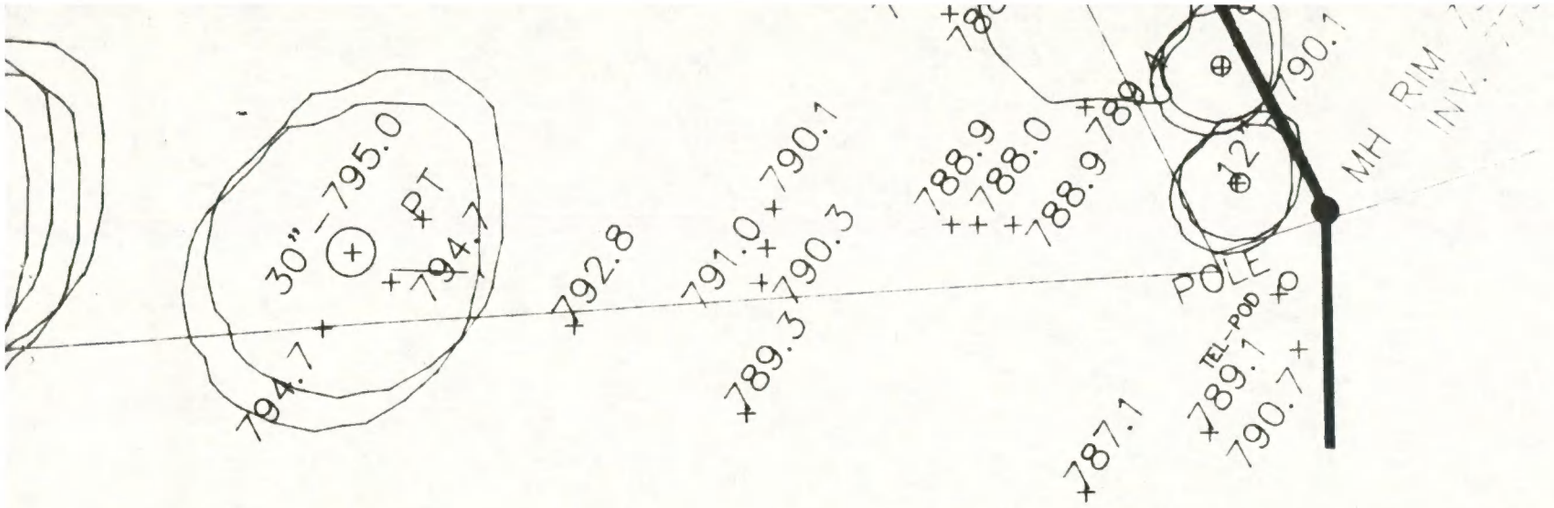
NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.



TREE

BUSH .

EVERGREEN

ELEVATION
(USC&G DATUM)

A parcel of land located in LaGro Reserve, Township 30 North, Range 12 East, Allen County, Indiana, and more particularly described as follows, to wit: BEGINNING on the centerline of Public Road known as the Upper Huntington Road, now West Jefferson Boulevard (U.S. Highway 24) at a point situated South 51 degrees 30 minutes West a distance of 564.8 feet measured along said centerline from the point of intersection of said centerline and a line parallel to and 7 chains 50 links (495.0 feet) West of the East line of said Reserve; thence continuing South 51 degrees 30 minutes West along said centerline a distance of 200.0 feet; thence South 38 degrees 30 minutes East on a line normal to said centerline a distance of 424.86 feet (425.0 feet deed) to an iron pin found; thence North 28 degrees 35 minutes East along the North line of Lots # 4, 3 and 2 in North Washington Place, as recorded in Plat Book 33, page 125 a distance of 216.96 feet (217.14 feet-deed) to a pipe found; thence North 38 degrees 30 minutes West a distance of 340.4 feet (deed-measured) to the point of beginning, containing 1.76 acres of land more or less and subject to a 40 foot public road right-of-way along West Jefferson and all other pertinent easements of record.

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FLOOD PLAIN NOTE: N.F.I.P. Flood Insurance Rate Map Community # 180003, Panel # 0020 B, shows the above described property in a Zone C designation.

TOPOGR
SURVEY OF 4

REVISIONS:

CAD FILE NAME:
AC-DWG/US

DATE:
JULY 13, 1988

SHEET NO:

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 23, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-08-41; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 15, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held Augsut 22, 1988.

Certified and signed this
25th day of August 1988.

Robert Hutner
Secretary

#365

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendmetn

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 4025 W Jefferson Bl

Z-88-08-41

EFFECT OF PASSAGE Property is presently zoned RA - Suburban Residential.

Property will become P.O.D. - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

FACT SHEET

Z-88-08-41
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Ordinance Amendment
From RA to P.O.D.

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
4025 W. Jefferson Bl

Reason for Project
Professional Office Development

Discussion (Including relationship to other Council actions)

15 August 1988 - Public Hearing

See attached for minutes of meeting.

22 August 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation subject to the following conditions:

1. Petitioner is to provide a recorded document, in a form acceptable to the Commission's attorney, that provides for the following items:

a. Grant of a forty (40) foot wide ingress/egress easement along the front of the subject property, to be used as a frontage road.

b. Construction, and maintenance of such frontage road to applicable City Standards, when directed to do so by the City of Fort Wayne.

c. Any existing driveways shall be subject to review and closure, by the owner, at the discretion of the Traffic Engineering Department of the City of Fort Wayne.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Joel D & Mary Fisher City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to condition (See Details column for conditior
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pas

DETAILS

d. Any obstruction to the frontage road including sight obstructions, shall be removed at the owners expense.

e. Frontage road should be constructed at the time of development.

2. A 30 ft landscape buffer should be provided along the southeasterly property line (where parcel abuts residential) to buffer this development from the existing residential uses. Landscape plans must be submitted and approved by CD&P.

Motion carried.

NOTE: This ordinance has been held until the petitioner could satisfy the conditions.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 15 July 1988

Projected Completion or Occupancy **Date** 11 October 1988

Fact Sheet Prepared by **Date** 11 October 1988

Patricia Biancaniello

Reviewed by **Date** Oct. 12, 1988

Reference or Case Number

a. Change of Zone #365
From RA to P.O.D.
4025 W Jefferson Bl

Primary Development Plan for "Postal Credit Union"

Ralph Blume, attorney for the petitioners appeared before the Commission. Mr. Blume stated that not only are they requesting the rezoning but they are also requesting approval of the primary and secondary development plan for the Postal Credit Union office. He stated this is a 1.8 acre tract it fronts on the south side of U.S. 24 is joined on the east by the Jefferson Glen Office P.O.D. and the Century Office Park P.O.D. on the west. He stated that on the north side of US #24 is the Apple Glen development presently vacant real estate. He stated to the south of the property is single family residential and they will provide more than adequate landscape buffer along the south. He stated they will retain most of the trees that are along the south and along the side on this development. He stated the developer is aware of the fact that they must provide a frontage road easement and also the cost of developing that easement. He stated that this development is consisted with the proposed land use for this area under the Comprehensive Plan for the city. He stated that the structure will be a one story bank facility with drive up facilities. He stated it will be a stone facade, a shingle roof and it will certainly be compatible with the other two office usages to the east and west.

Janet Bradbury questioned if it was unusual for the Commission to take a primary and secondary development plan together.

Wayne O'Brien stated it was not, it is the petitioner right to submit both at the same times. He stated there are obviously additional engineering requirements on a secondary. He stated that generally when they are allowed to submit them simultaneously might be a little bit hesitate because of the additional cost involved with the upscale engineering requirements. He stated that if the Commission were to approve the development proposal with the conditions set forth in the staff analysis the petitioner would still have to meet those requirements prior to the building permit(s) being issued.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning or primary development plan.

Hold for
Do Oct 25

Conditions satisfied?

recorded document:
1) 40 ft easement for &
2) const & maint of front road
3) exist. drive may be closed.
4)

BILL NO. Z-88-08-41

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. G-2

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~ Do Pass

YES		NO
Janet G. Bradbury	JANET G. BRADBURY CHAIRPERSON	
Mark E. GiaQuinta	MARK E. GiaQUINTA VICE CHAIRMAN	
Charles B. Redd	CHARLES B. REDD	
David C. Long	DAVID C. LONG	
	PAUL M. BURNS	

CONCURRED IN 10-25-88

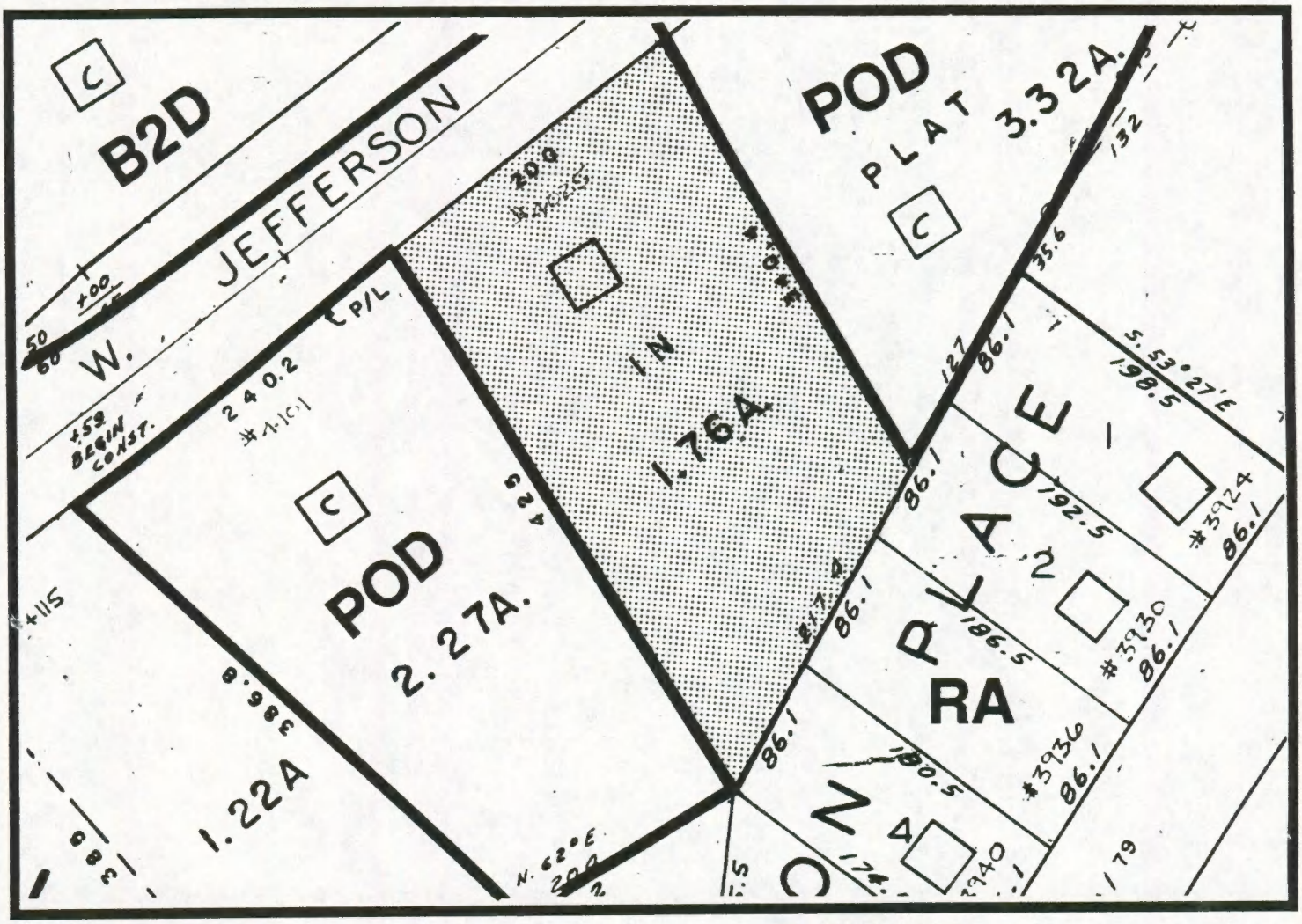
Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

REZONING PETITION #365

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A RA DISTRICT TO A POD DISTRICT.

MAP NO. G-2

COUNCILMANIC DISTRICT NO. 4



ZONING:

RA RESIDENCE "A"

B2D REGIONAL SHOPPING CENTER

POD PROFESSIONAL OFFICE DISTRICT

C3 PLANNED GENERAL COMMERCIAL

LAND USE:

☐ *SINGLE FAMILY*

Ⓒ *COMMERCIAL*

lw

SCALE: 1" = 200'

DATE: 7-29-88